

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JEVON STRAYHORN,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

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No. 4:18CV718 RLW

**MEMORANDUM AND ORDER**

This matter is before the Court on Movant Jevon Strayhorn's Motion for Appointment of Counsel (ECF No. 4). Upon review of the motion and the pleadings in this case, the Court will deny the motion.

On May 7, 2018, Movant filed a Petition to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255. He filed a memorandum and motion for appointment of counsel on May 25, 2018, requesting the appointment of professional counsel to assist Movant in litigating his ineffective assistance of counsel claim.

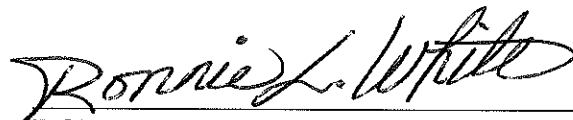
"There is neither a constitutional nor a statutory right to counsel in § 2255 proceedings. *Kimble v. United States*, No. 4:12CV2068 CDP, 2014 WL 2765351, at \*5 (E.D. Mo. June 18, 2014) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); 28 U.S.C. § 2255(g)). In order to determine whether appointment of counsel is appropriate, the court must consider "the factual and legal complexity of the case, and the petitioner's ability both to investigate and to articulate his claims without court appointed counsel." *McCall v. Benson*, 114 F.3d 754, 756 (8th Cir. 1997) (citations omitted). In the instant case, Petitioner raises only one claim of ineffective assistance of counsel. Further, review of the Petition demonstrates that Petitioner thus far is able

to articulate his claims in a clear, concise manner. Because Petitioner has demonstrated the ability to adequately present his claims without an attorney, his motion for appointment of counsel will be denied without prejudice at this time.

Accordingly,

**IT IS HEREBY ORDERED** that Petitioner's Motion to Appoint Counsel (ECF No. 4) is **DENIED** without prejudice.

Dated this 3rd day of October, 2018.

  
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**RONNIE L. WHITE**  
**UNITED STATES DISTRICT JUDGE**